UNITED STATES PATENT AND TRADEMARK OFFICE

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10/585,534	07/10/2006	Sylvain Dumet	PF040016	5931

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EXAMINER
SMITH, MARCUS

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _10 July 2006_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-11_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-6 and 8-11_ is/are rejected.
7)☒ Claim(s) _7_ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _10 July 2006_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All   b)☐ Some * c)☐ None of:
        1.☒ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _7/10/06_.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Claim Objections

1.   Claims 8-11 are objected to because of the following informalities: The examiner

request that the applicant should replace the "device compliant with claim 1" with -

device according to claim 1- in line 11 in claim 8 and line 29 in claim 10. Appropriate

correction is required.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

Claim 11 is rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. In specification the applicant states a computer

program product can store the program on an electrical or optical signal (page 11, lines

10-16). Electrical or optical signals are non-statutory subject matter. Thus the computer

program product in claim 11 is directed to non-statutory subject matter.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

4.   Claims 1-6, 10-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Heitmann (US 7,190,703).

With regard to claims 1 and 10, Heittman teaches (see figures 1 and 2: columns 5 and 6): Time synchronizing device for synchronizing a router arranged between two communication networks, said synchronizing device comprising: receiving (network interface, NS) means for receiving synchronizing data based on a reference time clock (ZI1, real time information from VE: column 5, lines 60-67), and exploiting (clock adjustment device, ZJ) means for exploiting said synchronizing data (SYNC) so as to synchronize a local time clock used by said router with respect to said reference time clock (column 6, lines 1-15), wherein said time synchronizing device comprises: intercepting (EE, receiving device) means for intercepting at least one message (MSG) (KD1,) coming from at least one apparatus (VE) being a point of at least one of said networks, called the source network for said message (MSG), and directed to the other of said networks, called the target network for said message (MSG)(KD1, packet is for the mobile device which is consider to be the target network: column 6, lines 45-60) , said apparatus having a specific time clock, preparing means for preparing a time request (ZA1) intended for said apparatus (column 5, lines 55-65), said time request being able to be executed in said apparatus so as to cause said synchronizing data based on said specific time clock to be obtained from said apparatus and to be transmitted back to said synchronizing device (see column 5, lines 55-67 to column 6, lines 1-15), sending means for sending said time request to said apparatus (network interface, column 5, lines 55-65) , and forwarding (DECT) means for forwarding said

intercepted message (MSG) to said target network after the preparing means have prepared said time request (column 6, lines 43-60: the KD1 is sent out until the ZTG is correct.) , said receiving means being intended to receive said synchronizing data from said apparatus and said exploiting means being able to exploit said synchronizing data so as to synchronize said local time clock with respect to said specific time clock, said receiving means, exploiting means, intercepting means, preparing means, sending means and forwarding means forming an operational set (see figure 2).

With regard to claim 3, Heittman teaches: wherein said preparing means are intended to prepare the time requests in the form of executable scripts, preferably based on the Java language (column 5, lines 35-40. Since the components that generates the time request can be a software module. It is well known, that software language for these modules will be either Java or C++ language.).

With regard to claim 4, Heittman teaches: wherein said forwarding means are intended to forward said intercepted message to said target network only after the exploiting means have exploited said synchronizing data obtained from said apparatus by means of said time request (ZTG is based on ZI1 information, so thus the packet has to be sent after the ZI1 information is received at the base station. column 6, lines 24-35, and 43-60).

With regard to claim 5, Heittman teaches: wherein said preparing means are able to prepare said time request for getting at least one of the following synchronizing data time zone and daylight saving time information.(column 4, lines 25-30: the examiner views the world time information as time zone information.).

With regard to claim 6, Heittman teaches: wherein it comprises updating means for periodically updating said synchronizing data so as to synchronize said local time clock, by periodically activating said operational set, said updating means being preferably intended for using as said intercepted message for each of said updating periods, the first message received from at least one of said communication networks during said period (see column 5, lines 55-67 to column 6, lines 1-15).

With regard to claim 11, Heittman teaches: Computer program product comprising program code instructions for the execution of the process according to claim 10 when said program is executed on a computer (column 5, lines 35-40).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 2, 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heittmann in view of Godfrey et al. (US 2004/0205330).

With regard to claim 8,

Heittman fails to disclose local gateway intended to be arranged between a LAN and a WAN and to enable communication in both directions between the LAN and the WAN, said local gateway comprising: a LAN interface for communication with the LAN,a WAN interface for communication with the WAN. Heittman only disclose a base station arranged in between LAN and air interface. However, Godfrey teaches a wireless

connector system that is arranged between WAN and LAN. Godfrey's wireless

connector system is also designed to synchronize the data information between

networks (see figure 22, page 22, paragraph 185). Therefore, it would have been

obvious to one having ordinary skill in the art at the time invention was made to the

wireless connector system can be used to connect the WAN to LAN for synchronization

of information as taught by Godfrey for the base station in Heittman in order to supply a

larger area with connection capabilities (Heittman column 1, lines 20-30).

With regard to the rest of claim 8, Heittman and Godfrey teaches, a local

gateway time clock (Heittman, column 5),and synchronizing means for synchronizing

said local gateway time clock with respect to a reference time clock, by means of

synchronizing data received by said local gateway (column 5),wherein in that said

synchronizing means comprise a time synchronizing device compliant with claim 1 for

synchronizing said local gateway, said source and target networks being respectively

the LAN (4) and the WAN for all intercepted messages, and said apparatus used for

synchronizing being thus at least one point of said LAN (Thus the Base station of

Heittman can be connected to VE through a WAN interface and mobile device through

an LAN air interface.).

With regard to claim 9, Heittman and Godfrey teaches: wherein said

synchronizing means are also able to synchronize said local gateway time clock with

respect to a global time clock (RTC) available from a timeserver (VE) of the WAN

(Heittman: column 5, lines 55-67).

With regard to claim 2, Heittman and Godfrey teaches: wherein said intercepting means are intended to intercept said message and said receiving means are intended to receive and extract said synchronizing data in compliance with the HTTP protocol (Godfrey, page 22, paragraph 185).

Allowable Subject Matter

7.   Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCUS R. SMITH whose telephone number is (571)270-1096. The examiner can normally be reached on Mon-Thurs: 7:30 am - 5:00 p.m. and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pankaj Kumar can be reached on 571 272-3011. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MRS 8/16/09
/Pankaj Kumar/
Supervisory Patent Examiner, Art Unit 2419